

Agenda Item	5.5
Report No	PLN/043/24

## HIGHLAND COUNCIL

**Committee:** North Planning Applications Committee

**Date:** 4 June 2024

**Report Title:** 24/01640/PAN: Field Spittal Limited  
SSE DC Site Spittal Sub Station, Halkirk

**Report By:** Area Planning Manager – North

### Purpose/Executive Summary

**Description:** Construction and operation of Battery Energy Storage System (BESS) of up to 300 MW with associated infrastructure (including cable route to substation), access and ancillary works (including landscaping and biodiversity enhancement)

**Ward:** 03 – Wick and East Caithness

### Recommendation

Members are asked to note the submission of the PAN and highlight any material issues they wish to be brought to the attention of the applicant before the submission of an application for planning permission.

## 1.0 BACKGROUND

- 1.1 This report informs the Planning Applications Committee of the submission of the attached Proposal of Application Notice (PAN).
- 1.2 The submission of the PAN accords with the provisions of the Planning etc. (Scotland) Act 2006 and was made valid on 25 April 2024. The PAN is a statutory requirement for planning applications for major or national developments and must be lodged at least 12 weeks prior to the submission of a planning application. Members are asked to note this may form the basis of a subsequent planning application.
- 1.3 The submitted information attached includes:
- Proposal of Application Notice (Application Form)
  - Location Plan
- 1.4 In October 2022, The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013 were amended by The Town and Country Planning (Pre-Application Consultation) (Scotland) Amendment Regulations 2021. This changed some of the consultation activities required by the applicant for PANs submitted after 1 October 2022. The previous arrangements associated with the Covid-19 public health advice and previous modifications to the regulations, are now superseded. In line with the current regulations, the developer proposes to undertake two in person public consultation events, in the Spittal Village Hall, scheduled as follows:
- **Event 1:** Thursday 2 May 2024, between 2-7pm
  - **Event 2:** Thursday 30 May 2024, between 2-7pm
- 1.5 The consultation was publicised and advertised in accordance with the appropriate statutory requirements, with an advert placed within the John O' Groats Journal on Friday 19 April 2024 and a further advert for the second event placed during the week beginning Monday 13 May 2024. An invitation maildrop was undertaken, during the week commencing Monday 15 April 2024, making local residents and landowners aware of the proposed development and the consultation events. The catchment for its wider distribution covered a radius of 2km from the proposed site. The PAN form also indicates that the local Watten and Halkirk Community Councils were notified, in line with the statutory requirements.
- 1.6 The consultation information was also made available on a website set up by the applicant. A telephone contact is also available.
- 1.7 Any forthcoming application will be accompanied by a Pre-Application Consultation (PAC) report explaining the consultation undertaken, feedback received, and any resultant amendments made to the planning application.

## **2.0 DESCRIPTION OF PROPOSED DEVELOPMENT**

- 2.1 The proposed scheme is a battery energy storage (BESS) complex, with a maximum installed capacity of up to 300 Megawatts and associated electrical equipment. The development will involve the construction of new hardstanding's and service routes, contained by security fencing.
- 2.2 The developer is encouraged to seek formal pre-application advice from the Planning Authority, through the Pre-Application Advice Service for Major Developments.
- 2.3 The developer is encouraged to submit an EIA screening request in respect of the proposals.

## **3.0 SITE DESCRIPTION**

- 3.1 The PAN boundary comprises some 54 Ha of mainly agricultural land, adjacent the existing Spittal Substation site. The site is mainly surrounded by open land, with the A9 Trunk Road running to the east. Parts of the site are designated as at risk from fluvial (river) based flooding events in the SEPA online maps.
- 3.2 The nearest natural heritage designations are the Achanarras Quarry and Spittal Quarry Sites of Special Scientific Interest (SSSI's), designated for geological features.
- 3.3 There are no national or local landscape designations within the application site boundary. The nearest local designation is the Flow Country and Berriedale Coast SLA, some 8km to the southwest of the site.
- 3.4 There are no Scheduled Ancient Monuments, Listed Buildings or Conservation Areas within the site. St Magnus Church and Burial Ground, Scheduled Monument SM5413, is located some 70m from the southwestern site boundary.

## **4.0 DEVELOPMENT PLAN**

The following policies are relevant to the assessment of the proposal:

### **4.1 National Planning Framework (NPF) 4 (2023)**

Policy 1 – Tackling the climate and nature crisis

Policy 2 – Climate mitigation and adaptation

Policy 3 – Biodiversity

Policy 4 – Natural places

Policy 5 – Soils

Policy 7 – Historic assets and places

Policy 11 – Energy

Policy 22 – Flood risk and water management

Policy 23 – Health and safety

#### 4.2 **Highland Wide Local Development Plan (2012)**

- 28 - Sustainable Design
- 29 - Design Quality and Place-making
- 30 - Physical Constraints
- 31 - Developer Contributions
- 34 - Settlement Development Areas
- 42 – Previously Used Land
- 51 - Trees and Development
- 55 - Peat and Soils
- 56 - Travel
- 57 - Natural, Built and Cultural Heritage
- 58 - Protected Species
- 59 - Other Important Species
- 60 - Other Important Habitats
- 61 - Landscape
- 63 - Water Environment
- 64 - Flood Risk
- 65 - Waste Water Treatment
- 66 - Surface Water Drainage
- 67 - Renewable Energy Developments
- 70 - Waste Management Facilities
- 72 - Pollution
- 77 - Public Access

#### 4.3 **Caithness and Sutherland Local Development Plan (CaSPlan) (2022)**

The site is located within the wider countryside.

#### 4.4 **Highland Council Supplementary Guidance**

- Construction Environmental Management Process for Large Scale Projects (Aug 2010)
- Developer Contributions (Nov 2018)
- Flood Risk & Drainage Impact Assessment (Jan 2013)
- Highland Historic Environment Strategy (Jan 2013)
- Highland's Statutorily Protected Species (Mar 2013)
- Managing Waste in New Developments (Mar 2013)
- Physical Constraints (Mar 2013)
- Public Art Strategy (Mar 2013)
- Roads and Transport Guidelines for New Developments (May 2013)
- Standards for Archaeological Work (Mar 2012)
- Sustainable Design Guide (Jan 2013)
- Trees, Woodlands and Development (Jan 2013)

#### **4.5 Scottish Government Policy and Other Guidance**

- Historic Environment Policy for Scotland (Apr 2019)
- PAN 1/2011 – Planning and Noise (Mar 2011)
- PAN 60 – Planning for Natural Heritage (Jan 2008)
- PAN 61 – Sustainable Drainage Systems (Jul 2001)
- PAN 68 – Design Statements (Aug 2003)
- PAN 75 – Planning for Transport (Aug 2005)
- PAN 77 – Designing for Safer Places (Mar 2006)
- PAN 83 – Master Planning (Sept 2008)

#### **5.0 POTENTIAL MATERIAL PLANNING CONSIDERATIONS**

- a) Development Plan and other planning policy;
- b) Design and layout;
- c) Landscape and visual impact;
- d) Amenity impacts (including construction noise, operational noise and lighting);
- e) Screening landscaping;
- f) Roads, access and parking;
- g) Wider access (impact upon the Core Path network)
- h) Infrastructure Capacity
- i) Natural heritage (including protected species and impact upon trees);
- j) Water environment, flood risk and drainage; and
- k) Any other material considerations raised within representations.

#### **6.0 CONCLUSION**

6.1 The report presents the information submitted to date as part of the PAN. Summarised are the policy considerations against which any future planning application will be considered as well as the potential material planning considerations and key issues based on the information available to date. The list is not exhaustive and further matters may arise as and when a planning application is received and in the light of public representations and consultation responses.

#### **7.0 IMPLICATIONS**

7.1 Not applicable.

#### **8.0 RECOMMENDATION**

8.1 It is recommended the Committee notes the submission of the PAN and advises of any material issues it wishes to be brought to the applicant's attention.

Designation: Area Planning Manager – North  
Author: Michael Kordas  
Background Papers: Documents referred to in report and in case file.  
Relevant Plans: Plan 1 - Proposal of Application Notice  
Plan 2 - 002.1 - Location Plan

**The Town and Country Planning (Scotland) Act 1997 as amended by the Planning Etc. (Scotland) Act 2006 and Planning (Scotland) Act 2019**

**Town and Country Planning (Pre-Application Consultation) (Scotland) Regulations 2021**

The Council will respond within 21 days of validation the Notice. It will advise whether the proposed Pre-application Consultation is satisfactory or if additional notification and consultation above the statutory minimum is required.

Please note that a planning application for this proposed development cannot be submitted less than 12 weeks from the date the Proposal of Application Notice is received by the Council and without the statutory consultation requirements having been undertaken. The planning application must be accompanied by a Pre-application consultation report.

The Proposal of Application Notice will be valid for a period of 18 months from the date of validation of the notice by the Council.

**Data Protection**

Your personal data will be managed in compliance with the Data Protection legislation. You can read our privacy notice for planning related certificates on the Council's website at: [https://www.highland.gov.uk/directory\\_record/1052173/planning\\_applications\\_consents\\_and\\_notice\\_of\\_review](https://www.highland.gov.uk/directory_record/1052173/planning_applications_consents_and_notice_of_review)

I have read and understood the privacy notice.

**Contact Details**

Applicant	Field Spittal Limited	Agent	David Bell Planning Ltd
Address	c/o Agent	Address	26 Alva Street Edinburgh EH2 4PY
Phone	c/o Agent	Phone	07807 528686
Email	c/o Agent	Email	pippa.gardner@dbplanning.co.uk

**Address or Location of Proposed Development**

Land generally at Spittal Mains  
Spittal, Wick KW1 5XR

**Description of Development**

Construction and operation of Battery Energy Storage System (BESS) of up to 300 MW with associated infrastructure (including cable route to substation), access and ancillary works (including landscaping and biodiversity enhancement).

(Section 36 application to Energy Consents Unit (ECU))


<b>Pre-application Screening Notice</b>	
Has a Screening Opinion been issued on the need for a Proposal of Application notice by the Highland Council in respect of the proposed development? If yes, please provide a copy of this Opinion.	
<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
<b>Community Consultation</b>	
State which other parties have received a copy of this Proposal of Application Notice.	
<b>Community Council/s</b>	<b>Date Notice Served</b>
Halkirk Community Council  [Neighbouring: Watten Community Council]	Friday 19 April 2024
<b>Local Elected Members</b>	<b>Date Notice Served</b>
Cllr Raymond Bremner Cllr Andrew Jarvie Cllr Willie Mackay Cllr Jan McEwan  [Neighbouring: Cllr Ross Gunn Cllr Matthew Reiss Cllr Karl Rosie Cllr Struan Mackie]	Friday 19 April 2024
<b>Members of Scottish Parliament and Members of Parliament</b>	<b>Date Notice Served</b>
Jamie Stone MP  Maree Todd MSP Douglas Ross MSP Edward Mountain MSP Rhoda Grant MSP Tim Eagle MSP Ariane Burgess MSP Jamie Halcro Johnston MSP Emma Roddick MSP	Friday 19 April 2024
<b>Names / details of other parties</b>	<b>Date Notice Served</b>

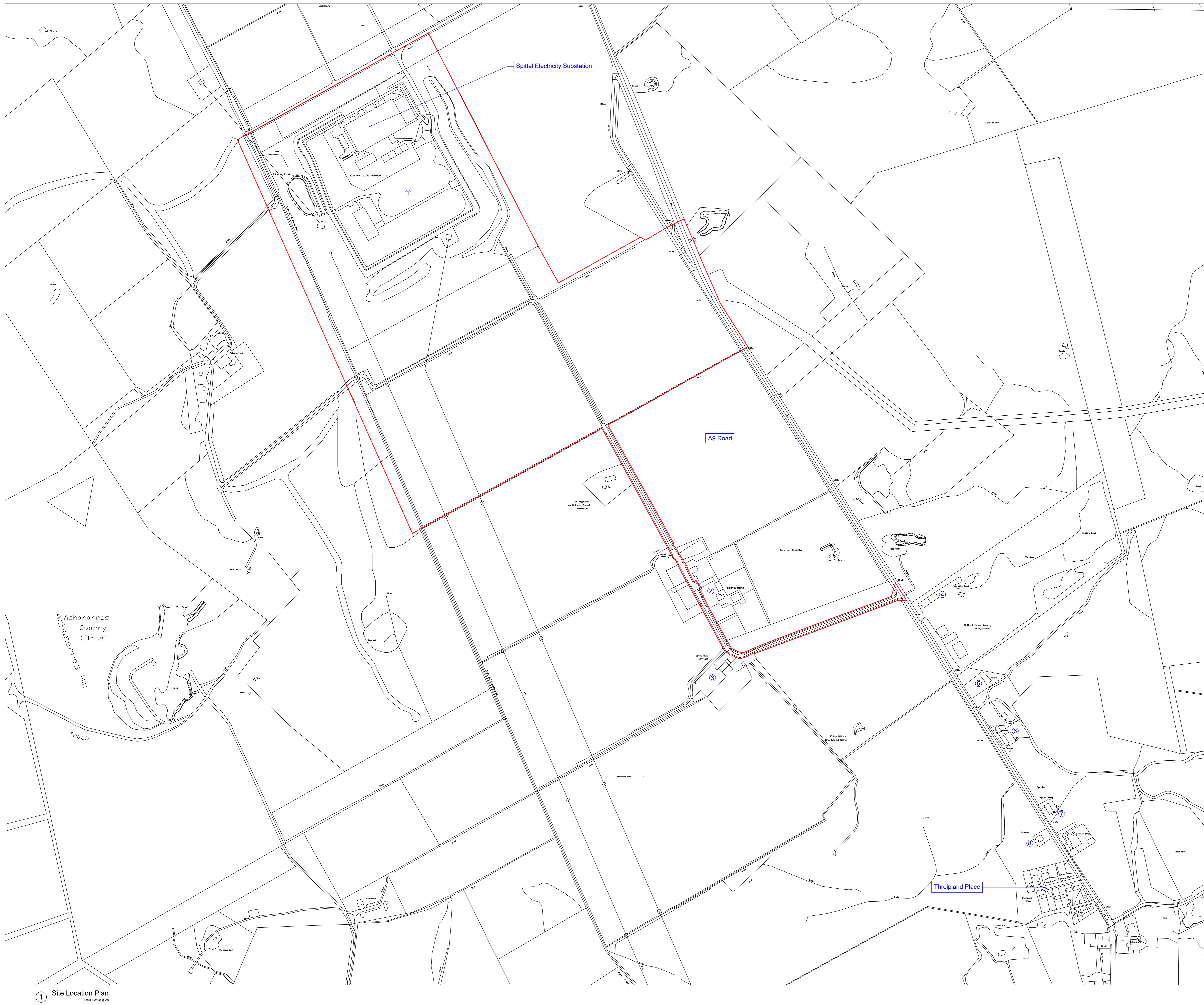


<b>Details of Proposed Consultation</b>		
<b>Proposed Public Event 1</b>	<b>Venue</b>	<b>Date and Time</b>
	Spittal Village Hall Spittal, Caithness KW1 5XR	14:00 – 19:00 Thursday 2 May 2024
<b>Proposed Public Event 2</b> <i>(at least 14 days after Public Event 1)</i>	<b>Venue</b>	<b>Date and Time</b>
	Spittal Village Hall Spittal, Caithness KW1 5XR	14:00 – 19:00 Thursday 30 May 2024

<b>Publication of Event</b>		
<b>Newspaper Advert</b>	<b>Name of Newspaper</b>	<b>Advert Date</b>
	John O’Groats Journal	Friday 19 April 2024

<b>Details of any other consultation methods (date, time and with whom)</b>
<ul style="list-style-type: none"> <li>• Delivery of consultation brochures to landowners within 2 km vicinity of the proposed site, including an invitation to public events (week commencing 15 April 2024)</li> <li>• Project Website (<a href="https://fieldspittal.co.uk">https://fieldspittal.co.uk</a>)</li> <li>• Meetings with community councils or other political stakeholders upon request (dates to be confirmed with relevant stakeholders depending on availability).</li> </ul>

Signed		Date	<b>19/4/2024</b>
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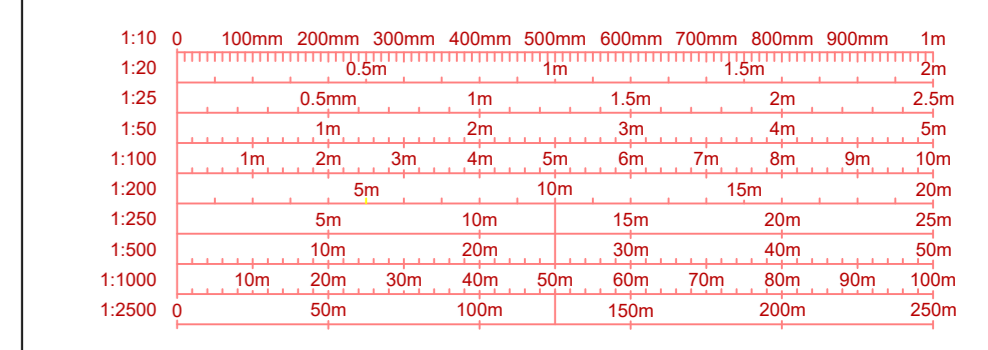


1 Site Location Plan  
Scale 1:2500 @ A0


- Drawing Notes:**
- All dimensions are shown in metres unless noted otherwise.
  - Do not scale from this drawing.
  - Planning boundary area = 48.271Ha

List of Addresses	
1	Spittal Converter Substation, Halkirk, KW12 6XA
2	Spittal Mains, Spittal, Wick, KW1 5XR
3	St. Magnus Cottage, Spittal, Wick, KW1 5XR
4	A&D Sutherland Ltd. Spittal Mains Quarry, Spittal, Wick, KW1 5XR
5	Kakers, Roadside, Spittal, Wick, KW1 5XR
6	[3 Addresses] a) Cairnside; b) Roadside Cottage; c) Morven View, Spittal, Wick, KW1 5XR
7	Tigh Na Chreag, Spittal Wick, KW1 5XR
8	Edgemoor Filling Station, Spittal, Wick, KW1 5XR

**Legend**  
 Planning Boundary



REV	DATE	DESCRIPTION	BY	CHKD
5	18.04.2024	Planning Boundary adjusted	EW	AP
4	18.04.2024	Outer site & wider L1 boundaries removed, additional scaling added	EW	AP
3	04.04.2024	Boundaries & outer site extents adjusted	EW	JH
2	02.02.2024	Planning boundary amended	JH	AP
1	25.01.2024	Details added to site location plan	JH	AP
0	18.01.2024	Site Location Plan - Original	JH	AP



Field  
 Fora - Montacute Yards  
 186 Shoreditch High Street  
 London  
 E1 6HU

PROJECT  
 Spittal

TITLE  
 Site Location Plan

DISCIPLINE  
 PLANNING

DRAWING STATUS  
 FOR PLANNING

SCALE	DATE	DRAWN BY	CHECKED BY	APPROVED BY
1:2500 @ A0	18.01.2024	JH	AP	RS
PROJECT NO.	DRAWING NO.			REV.
BTGBSP101	002.1			5

